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Applicant Appln. No.

Friedrich Bock

Appin

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Title

**REAL-EAR ZOOM HEARING DEVICE** 

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TC/A.U. Examiner

3736 TBD

Customer No.

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Docket No.

36443

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# PETITION TO MAKE SPECIAL AND STATEMENT & DISCUSSION REGARDING PREEXAMINATION SEARCH AND MOST RELEVANT UNCOVERED REFERENCES IN SUPPORT

Sir:

Applicant hereby submits this Petition to Make Special to request an Acceleration of the Examination of this application, under 37 CFR § 1.102(d) according to MPEP §708.02(VIII). A check in the amount of \$130.00 for the petition fee under 37 CFR § 1.17(h) is enclosed, and Applicant provides the attached Statement and Discussion. Note that copies of cited U.S. references were not included, according to current practice, but are listed on the enclosed IDS.

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I hereby certify that this correspondence is being deposited with the United S Postal Service as first class mail in an envelope addressed to: Commission Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated be	er for
Robert-P. Bodi  Name of Attorney for Applicant(s)	<del></del>
October 11, 2	2 <b>005</b> Date

## STATEMENT & DISCUSSION REGARDING PREEXAMINATION SEARCH, AND MOST RELEVANT UNCOVERED REFERENCES IN SUPPORT

#### PREEXAMINATION SEARCH

A preexamination search was conducted in compliance with MPEP §708.02, VIII. Special Examining Procedure For Certain New Applications – Accelerated Examination.

An initial search by the European Patent Office of the co-pending application, EP 1443798 A3, is attached hereto. Attached hereto is European Publication No. EP 1443798 A2, which was also examined in the above search. Note that the independent claim of the EPO application is essentially identical to the claim of the subject U.S. application. The EPO search identified two A references, one of which was also a D reference. Accordingly, the European Search report did not identify any references relevant to the patentability of the claims of this application.

A second search of U.S. patents and patent applications, conducted by the undersigned attorney on June 16, 2005 and updated on September 13, 2005, covered the following USPTO Patent Classifications:

Class 381, Electrical audio signal processing systems and devices, was searched via the following subclasses:

The following subclasses of subclass 312: HEARING AIDS, ELECTRICAL, were searched in detail:

- Subclass 313: Directional (181 references reviewed); and
- Subclass 322: Specified casing or housing; subclass 330: Hook over ear (217 references reviewed);

Subclass 92: DIRECTIVE CIRCUITS FOR MICROPHONES was searched restricted to those references having the keywords "hearing aid" or the phrase "hearing device". (69 references reviewed)

The following subclasses of class 367: COMMUNICATIONS, ELECTRICAL: ACOUSTIC WAVE SYSTEMS AND DEVICES, subclass 118: DISTANCE OR DIRECTION FINDING, were searched with the search restricted to patents that were either also classified in class 381, or patents that contained either the phrase "hearing aid" or the phrase "hearing device" (35 references reviewed):

- Subclass 119: With beam forming, scanning, or focusing, subclass 121: By electrical means;
- Subclass 124: By combining or comparing signals; further, the following subclasses of subclass 124 were also searched:
  - Subclass 125: Phase comparison and/or correlation;
  - Subclass 126: Addition or subtraction;
- Subclass 129: With plurality of transducers

#### **DISCUSSION OF MOST RELEVANT REFERENCE(S)**

Each of the enclosed references is cited in the IDS. However, the party reviewing the search has determined that none of the uncovered references are relevant to the subject invention, for the reasons set out below.

The present invention, as set forth in claim 1, the only independent claim, is directed to a behind the ear hearing device having at least two microphones for detecting acoustical signals and a beam former unit having transfer characteristics of amplification that are dependent on both "the direction with which said acoustical signals impinge on said microphones" (lines 18–20) and on the "frequency of said acoustic signals" (lines 20–21) with the beam former having the following features:

a substantially constant amplification independent of said direction of impinging at said frequency of 1 kHz,

and

For said direction being 45° [with 0° being the direction faced by an individual wearing the device and 90° outwards from the ear of the user], a larger amplification than for said direction being 135° at said frequency of 5 kHz.

None of the references listed above teach or suggest any beam former unit having the cited characteristics.

It is noted that a number of references cited in the IDS teach the use of multiple microphones to form directional characteristics that are of the cardioid, hyper-cardioid, or some similar pattern. See, for example, U.S. Pat. Nos. 5, 473,701 (Fig. 2), and U.S. Pat. App. No. 2003/0142836 (Figs. 4–9). However, no reference suggested directivity where amplification at 45° would differ from amplification at 135° at one frequency, but not at another.

Furthermore, at least one reference taught that microphone sensitivity may vary as a function of frequency. See, for example, U.S. Pat. App. No. 2003/0142836 (Fig. 11). Another reference taught that signal processing can also result in frequency sensitivity. See U.S. Pat. App. No. 2005/0058312 (where it is discussed that filtering and/or pre-processing might be used to compensate for frequency differences, see paragraph [0030]).

However, no reference was found that taught anything similar to the characteristics cited above, namely that at 1kHz, there would be no directivity impact on amplification, whereas at 5kHz, there would be a larger amplification for signals impinging at 45° than at 135°. This teaching is not found in any of the cited references. Thus, claim 1 is patentable over the prior art searched.

The remaining claims are dependent, directly or indirectly, on one of the independent claims discussed above, and are thus patentable over the references based on that dependency.

Accordingly, because all of the relevant classes have been searched without finding any relevant references, and because a search in the European Patent Office has similarly found no relevant references, the claims are patentable over the prior art.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34835.

Respectfully submitted,
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(11) EP 1 443 798 A3

(12)

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#### (54) Real-ear zoom hearing device

(57) There is proposed a hearing device with a behind-the-ear microphone arrangement (1) not to be placed in the ear canal (5) whereat beamforming (9) provides for substantially constant amplification independent of direction of arrival of an acoustical signal at a pre-

determined frequency (10) and provides above such frequency directivity so as to reestablish a head-related-transfer-function of the individual.



#### EUROPEAN SEARCH REPORT

Application Number EP 04 00 2885

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Category	Citation of document with it of relevant passa	ndication, where appropriate,	Relevant to daim	CLASSIFICATION OF THE APPLICATION (Int.CI,7)
A	AL) 31 July 2003 (2 * abstract *	WARREN DANIEL MAX ET 003-07-31) - paragraph [0121];	1	H04R3/00 H04R25/00
),A	(CH); HOTTINGER WEF 25 February 1999 (1 * abstract *	.999-02-25) .line 29: figures 1.2 *	1	
				TECHNICAL FIELDS SEARCHED (Int.Cl.7) H04R
	The present search report has	been drawn up for all claims  Octo of completion of the search		Examine
	Munich	7 July 2004	Ger	ken, S
X : parti Y : parti docu A : tech O : non-	TEGORY OF CITED DOCUMENTS outlarly relevant if taken alone outlarly relevant if cambined with anot ment of the same cetagory no logical background written disclosure mediate document	T: theory or principle E: earlier patent doc after the filing deb	e underlying the insument, but public ement, but public entre application or other reasons	nwention whed on, or

#### EP 1 443 798 A3

### ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO.

EP 04 00 2886

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on The European Patent Office is in no way liable for these particulars which are merety given for the purpose of information.

07-07-2004

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b For more details about this annex : see Official Journal of the European Patent Office, No. 12/82



## Europäisches Patentamt European Patent Office Office européen des brevets



(11) **EP 1 443 798 A2** 

(12)

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#### (54) Real-ear zoom hearing device

(57) There is proposed a hearing device with a behind-the-ear microphone arrangement (1) not to be placed in the ear canal (5) whereat beamforming (9) provides for substantially constant amplification independent of direction of arrival of an acoustical signal at a pre-

determined frequency (10) and provides above such frequency directivity so as to reestablish a head-related-transfer-function of the individual.

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#### Description

[0001] The present invention departs from needs which have been recognized at behind-the-ear hearing devices, thereby especially at behind-the-ear hearing aid devices. Nevertheless, although departing from such devices, the present invention may be applied to all hearing systems where there is applied a microphone arrangement not within the ear canal, thereby especially behind the pinna of an individual's ear, the output of which operationally acting on an electrical to mechanical output converter which is applied to the same and/or the other ear of the individual. The hearing device may be a device for increasing hearing capability or a hearing protection device.

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[0002] Today's behind-the-ear hearing devices and thereby especially behind-the-ear hearing aid devices may controllably be enabled to operate in the so-called omnidirectional mode. The microphone arrangement which, for this mode, may consist of one omnidirectional microphone, provides per se for an omnidirectional transfer characteristic, which means that acoustical signals impinging on the microphone arrangement are converted to an electrical output signal with a predetermined constant amplification irrespective of the direction with which such acoustical signals impinge on the arrangement. Nevertheless, once applied adjacent to the top of or behind the pinna, the acoustical to electrical transfer characteristic becomes not anymore independent of the direction at which acoustical sources appear to the microphone due to the so-called head-related transfer function HRTF, which results in some degree from "shadowing" of the acoustical signals dependent where the acoustical signal source is located with respect to the microphone arrangement.

[0003] When an individual's ear acoustical reception characteristic is investigated per se, e.g. by means of a complete-in-the-canal hearing device, CIC, as a standard the following transfer characteristics are recognized: [0004] When, according to fig. 1, 0° direction is defined in the direction at which individual's head H faces and 90° direction is defined perpendicularly thereto in a direction pointing outwards of individual's right ear ER one recognizes at this right ear a transfer characteristic at a frequency f of 0.5 kHz of acoustical signals as shown in fig. 2. As may be seen the acoustical signals from acoustical sources seen under an angle of 180° to 0° are considerably attenuated, which is predominantly caused by the shadowing effect of individual's head, i. e. by the HRTF. In directions symmetrically to the 90° directivity axis, i.e. at about 45° and at about 135°, the amplification is substantially equal.

[0005] In fig. 3 as well as in fig. 4 the respective transfer characteristics are shown for acoustical signals at 1 kHz and at 2 kHz.

[0006] In fig. 5 the transfer characteristic is shown at 4 kHz. When comparing the transfer characteristics at 2 kHz, with that at 4 kHz, according to the respective

figs. 4 and 5, one recognizes an increased directivity of the transfer characteristics at 4 kHz. In fact, departing approx. at frequencies of 2 kHz of the acoustical signals, the directivity of the pinna becomes effective. Nevertheless, as frequencies above 7 kHz are of no interest whenever speech understanding is addressed, with an eye on such speech understanding, it is important to note that the pinna provides for a beam forming effect in a frequency band of 2 kHz to 7 kHz, thus with a significant frequency at 5 kHz. The beam forming effect results in a higher amplification in 45° direction than in the 135° direction. Nevertheless, also for applications of the device, where at least not speech understanding is predominantly addressed, the 5 kHz frequency is significant for pronounced pinna directivity effect.

[0007] As was mentioned above, the transfer characteristics as exemplified by figs. 2 to 5 are transfer characteristics at respective acoustical signal frequencies of an individual's ear per se.

[0008] When applying to such individual a microphone arrangement not in the ear canal, e.g. behind the pinna, as is customarily done by applying a behind-theer hearing aid device, the directivity characteristic of the pinna becomes moot, whereas the HRTF-based characteristic as of the figs. 2 to 4 is still effective.

[0009] Thus, an intrinsically omnidirectional beam former with microphone arranged not in the ear canal, thus especially behind the pinna will establish a transfer characteristic with substantially equal amplification symmetrical to the 90° direction. The pinna-caused beam forming characteristic with an attenuation of signals impinging from 45° relative to such signals from 135° which according to fig. 4 is about +6 dB is lost. It results therefrom that whenever the hearing device enabled or controllably switched in omnidirectional mode will not establish for a transfer characteristics which accords to natural beam forming of the ear at frequencies above 2 kHz and, with respect to speech understanding, in the relevant frequency band up to about 7 kHz, but will establish as shown in fig. 5 by dashed lines a transfer characteristic as if no pinna was present.

[0010] It is an object of the present invention to provide a hearing device with a microphone arrangement to be placed not in the ear canal and thus especially behind the pinna of the ear of an individual which, at least in one operating mode, provides for a transfer characteristic at least similar to that of the natural ear.

[0011] This object is achieved by a hearing device with a behind-the-ear microphone arrangement to be placed not in the ear canal of an individual's ear, wherein the microphone arrangement has at least one microphone with an output, the device further having an electrical/mechanical output converter and has a further microphone and a beam former unit. Latter has at least two inputs and an output. One input of the beam forming unit is operationally connected to the output of the one microphone and the second input of the beam former unit is operationally connected to the output of the fur-

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ther microphone. The output of the beamformer unit is operationally connected to an input of the output converter and establishes together with the one and the further microphones a transfer characteristic of acoustical signals impinging on the one and the further microphones to an electrical signal at the output of the beam former unit with an amplification which is dependent on the direction with which acoustical signals impinge on the microphone and on the frequency of such acoustical signals. With 0° direction being defined in direction of individual's facing and 90° direction substantially in ear canal outside direction of the ear considered, the transfer characteristic established by the beam former unit and the at least two microphones has the following features:

- A substantially constant amplification independent of the direction of impinging at a frequency of the acoustical signal of 1 kHz, and
- for a direction of 45° a larger amplification than for a direction of 135° of said acoustical signals impinging on the microphones at a frequency of 5 kHz.

[0012] Thus, on one hand the beam former unit behaves at frequencies below 2 kHz, as at the significant frequency of 1 kHz, like an omnidirectional microphone. Applied to the head, the HRTF is effective as at the unequipped ear. At higher frequencies above 2 kHz as established by the characteristic frequency of 5 kHz, the 30 beam former unit and microphones establish an increased amplification in forwards direction as in the 45° direction compared with attenuation in the backwards direction of 135°. This simulates the pinna directivity effect

[0013] The ratio of amplification in 135° direction to amplification in 45° direction is selected to be approx. -6 dB. Thus, in a preferred embodiment of the hearing device according to the present invention at a frequency of 5 kHz of impinging acoustical signals the amplification in 45° direction is at least approx. 6 dB higher than the amplification in 135° direction.

[0014] As was already addressed above hearing devices of the addressed type and thereby especially behind-the-ear hearing devices are customarily equipped with different operating modes or programs which may be manually or automatically enabled, be it by remote control or by automatic evaluation of the acoustical surrounding. Thereby, it is customary to provide in context with such switchable operating modes different selectively enabled beam forming abilities. With an eye on such multimode hearing devices and according to the present invention one operating mode is characterized by the mode which was described, i.e. the mode enabling natural ear simulation due to the specific, frequency-dependent beam forming.

[0015] In spite of the fact that within the scope of the present invention the further microphone which is necessary for establishing beam forming ability and which may be provided remote from the microphone arrangement to be applied behind the pinna is most preferably provided as a part of the addressed microphone arrangement. Further, the device according to the present invention is preferably a behind-the-ear hearing device and thereby especially a behind-the-ear hearing aid device. We understand as a behind-the-ear device a device with an output converter applied to the same ear as the microphone arrangement. In a further mode the addressed further microphone is part of a second hearing device to be placed at the second ear of the individual so that the device according to the present invention is e.g. part of a binaural hearing system.

[0016] Further, the hearing device may be a device for increasing hearing capability or may be a device for hearing protection i.e. attenuating the effect of acoustical signals.

[0017] The present invention shall now be further exemplified with the help of further figures. They show:

- a schematic simplified signal flow/functional block diagram of a hearing device according to the present invention;
- by means of a schematic representation of a Fig. 7 behind-the-ear hearing aid device, a preferred arrangement of the at least two microphones to be provided for establishing a device according to the present invention and
- by means of schematic representation in anal-Fig. 8 ogy to that of Fig. 7, a further preferred embodiment of a hearing device according to the present invention.

[0018] According to fig. 1 a microphone arrangement 1 of the device according to the present invention comprises at least one microphone 3, e.g. and in the most simple form of realization with an omnidirectional transfer characteristic as schematically shown at T1. The microphone arrangement 1 is e.g. to be placed behind e. g. adjacent the top of individual's ear pinna 5. Remote from microphone 3 there is provided a further microphone 7, which, again in the simplest form, has an omnidirectional transfer characteristic T7. The respective electrical outputs A<sub>3</sub>, A<sub>7</sub> of the microphones 3 and 7 are operationally connected to a beam former unit 9. In a most simple form of realization the beam former unit 9 is a "delay and add" beam former unit. Nevertheless, for more sophisticated tailoring of the beam forming action of the unit 9 such beam forming unit may be realized as described in details in the WO 99/04598, in the WO 01/60112 or in the WO 99/09786, all of the same applicant as the present application. Thereby, the skilled artisan is aware of a multitude of different forms of realizing such a beam forming unit. According to the present invention the microphones 3, 7 and the beam former unit 9 provide for an omnidirectional characteristic up to about 2 kHz and, for higher frequencies, turn to a directional beam forming characteristic as e.g. to a first order cardoid transfer characteristic.

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[0019] As exemplified in fig. 6 in a most simple way of realization, this is achieved by having the electrical signal from the output  $A_7$  of the further omnidirectional microphone 7 first led via a high-pass filter unit 10 with a cut-off frequency at about 2 kHz before feeding such signal to the adding unit 11 of the beam forming unit 9. The electrical signal at the output  $A_3$  of microphone 3 is fed via the delay unit 13 to the adding unit 11 as well known to the skilled artisan for delay and add beam forming technique.

[0020] Thus, up to the cut-off frequency of about 2 kHz the microphone 7 is not effective with respect to beam forming and thus the output signal at  $A_{11}$  of adding unit 11 will establish for the omnidirectional characteristic according to  $T_1$  of microphone 3. It is only starting at the cut-off frequency of filter unit 10 that the further microphone 7 becomes effective with respect to beam forming and establishes at the output  $A_{11}$  a first order cardoid transfer function according to  $T_{11}$  (< 2 kHz) for frequencies of acoustical signals impinging on the microphones 3 and 7 above the cut-off frequency of filter unit 10.

**[0021]** The output A<sub>11</sub> of the adding unit 11 or more generically of beam forming unit 9 is operationally connected to an electrical/mechanical output converter 15 as to a loudspeaker unit of the device.

[0022] When applied to individual's ear the transfer characteristic  $T_{11}$  will be subjected to individual's HRTF so that the established transfer characteristic will substantially be shadowed by individual's head between 180° and 0° resulting in a transfer function  $T_{110}$  as schematically also shown in fig. 6.

[0023] The at least two microphones 3 and 7 which have to be provided to establish the desired beam forming according to the present invention are further preferably used to realize at the hearing device additional desired beam characteristics by techniques as e.g. shown in the above mentioned references, so as to operate the device in different operating modes, e.g. acoustically focusing on desired acoustical sources. thereby attenuating unwanted noise. In such a case the specific frequency-dependent beam forming as exemplified by fig. 6 is realized only as one of more than one different operating modes of the hearing device. Further, and as shown in fig. 6 the further microphone 7 must, generically, be remote from microphone 3. It thereby may be part of a hearing device applied at the second ear, e.g. as a part of a binaural hearing system. Preferably and as shown schematically in fig. 7, both microphones are parts of the microphone arrangement 1 which is placed adjacent the top of the pinna, thus forming part of one integrated single behind-the-ear hearing device, thereby especially of a hearing aid device.

[0024] In Fig. 8, there is shown a further preferred embodiment of the hearing device according to the present

invention. It was already addressed that preferably more than one different operating modus of the hearing device are preferably provided. In Fig. 8, there is shown a first beam forming unit 9 which operates as was already described, i.e. simulating the directional behaviour of the pinna. Unit 9, represents a second beam former program or unit, whereat, according to specific needs at a specific acoustical situation, a different beam forming action is implemented. The outputs A9 and A9x of the units 9 and 9, are operationally connected to a weighting unit 13 which has an output A<sub>13</sub> operationally connected to the electrical input of the electrical/mechanical output converter 15. As schematically shown within weighting unit 13 and preferably controlled at a control input C<sub>13</sub>, the ratio, with which the output of unit 9 and the output of unit 9x take effect upon the output A13, may be adjusted. Thus, and as also schematically shown in Fig. 8a, the hearing device may be switched abruptly from the operating mode controlled by unit 9 to the operating mode controlled by unit 9x by abruptly enabling output A9 to take effect on output A13, thereby disabling output Aqu from taking such effect. This is shown by the courses (a) within Fig. 8a. Instead of abruptly switching such effect, and as shown by the courses (b), the effect of the at least two modi may steadily be varied by adjusting the weighting coefficients  $\alpha_9$  and  $\alpha_{9x}$  in unit 13 as by the control input C<sub>13</sub>.

[0025] In Fig. 8, the device incorporating the two operating modes is shown and exemplified with two "units" 9 and  $9_x$ , whereby, and as clear to the skilled artisan, the two units 9 and  $9_x$  may be realized by one single unit with a programmed transfer function. The ratio of effects, as controlled by unit 13 of Fig. 8, is then established e.g. by respectively adjusting, steadily or abruptly, coefficients of the program.

[0026] Further, and with an eye on Fig. 6, it is to be noted that the device, according to the present invention, has been shown especially with beam former unit 10 rather in analog technique. Nevertheless, it is perfectly clear that preferably beam forming is performed within a digital signal processing unit, whereby the output signal of the microphone is analog to digital converted and preferably time-domain/frequency-domain converted to allow signal processing in frequency domain. Before feeding the output signal to the ectrical/mechanical output converter, the computed output signal is reconverted from digital to analog and, respectively, from frequency domain to time domain.

#### Claims

 A hearing device with a behind-the-ear microphone arrangement (1) not to be placed in the ear canal (5) of an individual's ear, said microphone arrangement (1) having at least one microphone (3) with an output (A<sub>3</sub>), further comprising an electrical/mechanical output converter (15), characterized by a 5

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further microphone (7), a beam former unit (9) having at least two inputs and an output, one input being operationally connected to the output of said one microphone (3), the second input being operationally connected to the output of said further microphone (7), the output of said beam former unit (9) being operationally connected to an input of said output converter (15), said beam former unit together with said one and said further microphone having a transfer characteristic of acoustical signals impinging on said one and said further microphones (3, 7) to an electric signal at said output (A11) of said beam former unit (9), the amplification thereof being dependent on direction with which said acoustical signals impinge on said microphones (3, 7) and on frequency of said acoustical signals, said direction being 0° in direction of individual's facing and 90° substantially in ear canal outwards direction of said ear, said transfer characteristic having the following features:

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 a substantially constant amplification independent of said direction of impinging at said frequency of 1 kHz,

 for said direction being 45°, a larger amplification than for said direction being 135° at said frequency of 5 kHz.

The hearing device of claim 1, wherein said amplification at said 45° direction is larger by approx. +6
dB than said amplification at said 135° direction, said frequency being 5 kHz.

The device of claim 1 or 2 having at least two controllably enabable operating modi with respect to transfer characteristic of acoustical signals impinging on said one and said further microphones (3, 7) to said electric signal at said output (A<sub>11</sub>), one of said transfer characteristics being said transfer characteristic.

 The device of claim 3 further comprising a controlled weighting unit controllably establishing the ratio of effect of said at least two operating modi upon said transfer characteristic.

The device of claim 4, wherein said controlled weighting unit steadily changes said ratio.

The device of one of claims 1 to 5, said further microphone (7) being part of said microphone arrangement (1).

 The device of one of claims 1 to 6, said further microphone (7) being part of a second hearing device to be applied at a second ear of said individual. The device of one of claims 1 to 7 being a behindthe-ear hearing device.

The device of one of claims 1 to 8 being a behindthe-ear hearing aid device.

10. The device of one of claims 1 to 8 being a hearing protection device.

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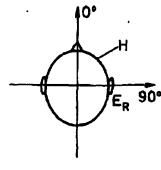
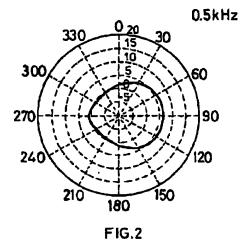
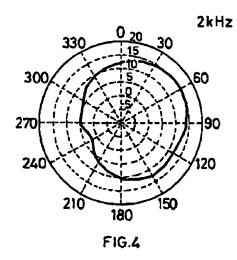
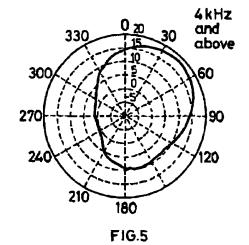


FIG.1



330 0 20 30 1kHz
330 0 20 30 60
270 150 150
180 150
FIG.3





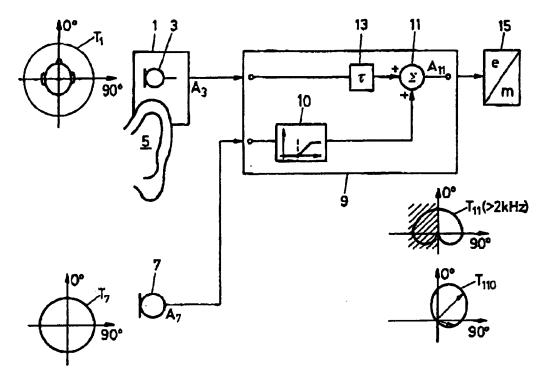


FIG.6

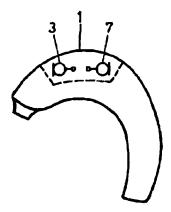


FIG.7

